

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 1028(a)(3) – Possession of Fifteen or More
 Unauthorized Access Devices;
 18 U.S.C. § 1343 – Wire Fraud (Two Counts);
 18 U.S.C. § 1028A – Aggravated Identity Theft (Two Counts);
 18 U.S.C. § 982 – Criminal Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY:
 SEE ATTACHMENT

Name of District Court, and/or Judge, Magistrate, Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED
SEP 10 2009

DEFENDANT - U.S.

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

DWEN EDWARD CURRY

DISTRICT COURT NUMBER

CR09-00901

SBA

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

UNITED STATES SECRET SERVICE

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☒ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

09-70326 WDB

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

JOSHUA HILL, AUSA

DEFENDANT**IS NOT IN CUSTODY**
 Has not been arrested, pending outcome this proceeding.
 1) ☐ If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☒ Awaiting trial on other charges
 If answer to (6) is "Yes", show name of institution
 SAN FRANCISCO

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
PROCESS:
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

ADDITIONAL INFORMATION OR COMMENTS

PENALTY SHEET ATTACHMENT

United States v. Dwen Edward Curry

Count One – 18 U.S.C. § 1029(a)(3) (Possession of 15+ Unauthorized Access Devices)

Imprisonment: 10 years maximum
Supervised Release: 3 years maximum
Fine: \$250,000 maximum
Special Assessment: \$100

Counts Two and Four– 18 U.S.C. § 1343 (Wire Fraud)

Imprisonment: 30 years maximum
Supervised Release: 5 years maximum
Fine: \$1,000,000 maximum
Special Assessment: \$100

Counts Three and Five – 18 U.S.C. § 1028A (Aggravated Identity Theft)

Imprisonment: Mandatory 2 Years Imprisonment to run consecutively to any other term of imprisonment imposed under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identification was transferred, possessed, or used
Supervised Release: 1 year maximum
Fine: \$250,000 maximum
Special Assessment: \$100

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

FILED

SEP 10 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA,

v.

DWEN EDWARD CURRY,

CR09-00901

SBA

DEFENDANT.

INDICTMENT

18 U.S.C. § 1028(a)(3) – Possession of Fifteen
or More Unauthorized Access Devices;
18 U.S.C. § 1343 – Wire Fraud (Two Counts);
18 U.S.C. § 1028A – Aggravated Identity
Theft (Two Counts);
18 U.S.C. § 982 – Criminal Forfeiture

A true bill.

Walden Foreman

Filed in open court this _____ day of _____

Clerk

Bail, \$ No bail - warrant.
Wayne D. Gray 9-10-09.

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

FILED
SEP 10 2009
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 **CR09-00901^{SBA}**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DWEN EDWARD CURRY,

15 Defendant.

) Criminal No.

) VIOLATIONS: 18 U.S.C. § 1028(a)(3) –
) Possession of Fifteen or More Unauthorized
) Access Devices; 18 U.S.C. § 1343 – Wire
) Fraud (Two Counts); 18 U.S.C. § 1028A –
) Aggravated Identity Theft (Two Counts); 18
) U.S.C. § 982 – Criminal Forfeiture

) OAKLAND VENUE
16)
17)

18 INDICTMENT

19 The Grand Jury charges:

20 COUNT ONE: [18 U.S.C. § 1029(a)(3) - Possession of Fifteen or More Unauthorized Access
21 Devices]

22 1. On or about March 27, 2009, in the Northern District of California and elsewhere, the
23 defendant,

24 DWEN EDWARD CURRY,

25 did knowingly and with intent to defraud possess fifteen or more devices which are counterfeit
26 and unauthorized access devices, namely bank account numbers, credit card account numbers
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1 and social security numbers, in and affecting interstate and foreign commerce, all in violation of
2 Title 18, United States Code, Section 1029(a)(3).

3 COUNT TWO: [18 U.S.C. § 1343 – Wire Fraud]

4 2. From on or about January 7, 2009, and continuing to on or about February 24, 2009, in
5 the Northern District of California and elsewhere, the defendant,

6 DWEN EDWARD CURRY,

7 devised and intended to devise a scheme and artifice for obtaining money and property by means
8 of false and fraudulent pretenses, representations and promises, as to material matters, and for
9 the purpose of executing the scheme and artifice, did, on or about February 23, 2009, cause to be
10 transmitted in interstate commerce, by means of a wire communication, certain writings, signs,
11 and signals, namely, a wire transfer in the amount of \$90,000 from the Vanguard Group in
12 Pennsylvania to Wachovia Bank in California, in violation of Title 18, United States Code,
13 Section 1343.

14 3. It was part of the scheme and artifice that defendant CURRY performed the following
15 acts:

16 a. CURRY obtained the escrow file related to a real estate transaction for victim
17 T.K. The escrow file contained T.K.'s personal and financial information such as T.K.'s social
18 security number, address, phone numbers, bank account information, and retirement account
19 information. CURRY's possession of T.K.'s escrow file and personal and financial information
20 was not authorized.

21 b. On or about January 7, 2009, CURRY opened a bank account at Wachovia Bank
22 in the name of victim T.K. (the "fraudulent T.K. bank account").

23 c. On or about February 20, 2009, CURRY submitted an unauthorized wire transfer
24 request form to the Vanguard Group in T.K.'s name, and using T.K.'s personal information,
25 seeking to transfer \$90,000 from T.K.'s retirement account to the fraudulent T.K. bank account.

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1 COUNT THREE: [18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft]

2 4. On or about February 20, 2009, in the Northern District of California and elsewhere, the
3 defendant,

4 DWEN EDWARD CURRY,

5 did knowingly possess and use, without lawful authority, a means of identification of another
6 person, specifically the name and social security number of victim T.K., during and in relation to
7 a felony violation of Title 18, United States Code, Section 1343 as alleged in Count Two,
8 incorporated by reference, in violation of Title 18, United States Code, Section 1028A(a)(1).

9 COUNT FOUR: [18 U.S.C. § 1343 – Wire Fraud]

10 5. From no later than March 18, 2009, and continuing to on or about March 26, 2009, in the
11 Northern District of California and elsewhere, the defendant,

12 DWEN EDWARD CURRY,

13 devised and intended to devise a scheme and artifice for obtaining money and property by means
14 of false and fraudulent pretenses, representations and promises, as to material matters, and for
15 the purpose of executing the scheme and artifice, did, on or about March 26, 2009, cause to be
16 transmitted in interstate commerce, by means of a wire communication, certain writings, signs,
17 and signals, namely, a wire transfer in the amount of \$96,000 from the Allstate Life Insurance
18 Company in Nebraska to Huntington National Bank in Ohio, in violation of Title 18, United
19 States Code, Section 1343.

20 6. It was part of the scheme and artifice that the defendant CURRY performed the following
21 acts:

22 a. CURRY obtained the escrow file related to a real estate transaction for victim F.S.
23 The mortgage file contained F.S.'s personal and financial information such as F.S.'s social
24 security number, address, phone numbers, bank account information, and retirement account
25 information. CURRY's possession of F.S.'s mortgage file and personal and financial
26 information was not authorized.

27 b. In particular, CURRY obtained personal information related to F.S.'s fixed
28 annuity with Allstate Life Insurance Company.

1 c. On or about March 18, 2009, CURRY contacted Allstate Life Insurance Company
2 (purporting to be F.S.) and requested information to execute a withdrawal of \$90,000 from the
3 fixed annuity account.

4 d. On or about March 19, 2009, CURRY submitted an unauthorized "request for
5 distribution" form to Allstate Life Insurance Company in F.S.'s name, and using F.S.'s personal
6 information, seeking to withdraw \$96,000 from F.S.'s fixed annuity account and transfer the
7 funds to the account of Napper Investment LLC at Huntington National Bank.

8 COUNT FIVE: [18 U.S.C. § 1028A(a)(1) – Aggravated Identity Theft]

9 7. On or about March 19, 2009, in the Northern District of California and elsewhere, the
10 defendant,

11 DWEN EDWARD CURRY,

12 did knowingly possess and use, without lawful authority, a means of identification of another
13 person, specifically the name and social security number of victim F.S., during and in relation to
14 a felony violation of Title 18, United States Code, Section 1343 as alleged in Count Four,
15 incorporated by reference, in violation of Title 18, United States Code, Section 1028A(a)(1).

16 FORFEITURE ALLEGATION: [18 U.S.C. § 982 – Criminal Forfeiture]

17 8. The factual allegations contained in Counts Two and Four of this Indictment are hereby
18 re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture
19 pursuant to Title 18, United States Code, Section 982.

20 9. Upon conviction of the offenses alleged in Counts Two and Four above, the defendant
21 shall forfeit to the United States all property constituting, or derived from, proceeds the
22 defendant obtained, directly or indirectly, as a result of said violations.

23 All in violation of Title 18, United States Code, Section 982 and Rule 32.2 of the Federal
24 Rules of Criminal Procedure.

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1 Dated: September 10, 2009

A TRUE BILL

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4 FOREPERSON

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 
8 STEPHEN CORRIGAN
9 Deputy Chief, Oakland Branch

10 (Approved as to form:


11 AUSA J. HILL